

### REMARKS

Applicant requests reconsideration and allowance in view of the foregoing remarks. Claims 1-52 are pending, with claims 1, 19, 20, 25, 29, 33, 34, and 39 being independent.

#### **Rejections based on Leeds and McBrearty**

Claims 1, 19, 20, 25, 33, 34, and 39 have been rejected under 35 U.S.C. § 103 as being rendered obvious over U.S. Patent No. 6,393,465 ("Leeds") in view of U.S. Patent No. 6,766,352 to McBrearty et al. ("McBrearty").

Applicant requests withdrawal of this rejection because Leeds fails to describe or suggest "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages," as recited by independent claim 1, and because one of ordinary skill in the art would not have been motivated to modify Leeds in the manner suggested in the Office Action.

Leeds is directed to a spam filtering system. As noted in the abstract, Leeds uses a scoring system to determine whether incoming mail can be deleted. See Leeds at Fig. 6b (a rating is assigned a message and used to process the message); see also Leeds at col. 4, lines 55-60 (a score of 100 can be used to trigger automatic deletion of a message). It is important to note that the scoring system in Leeds performs analytical operations before the user perceives a message. Leeds does not describe how a message is presented to a user nor how presentation of a message is based on the message-processing operations that are performed. As such, Leeds does not describe or suggest "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages," as recited by amended claim 1. Realizing this deficiency of Leeds, the Office Action relies on McBrearty to show "presentation of the electronic data that visually distinguishes endorsed messages from nonendorsed messages," suggesting that it would have been obvious to modify Leeds with the teachings of McBrearty. See Office Action at page 3, lines 13-15. Applicant respectfully disagrees for the reasons discussed below.

McBrearty relates to techniques for displaying files to a user on a client system and identifying whether the file is a cached file or a newly downloaded file. See McBrearty at Abstract and col. 1, lines 16-20. McBrearty explains that the requested file may be displayed to

the user in a graphical user interface along with an indicator that informs the user of whether the file is a cached file. See McBrearty at col. 2, line 65 to col. 3, lines 2. However, there is no suggestion in the cited references to modify Leeds with the file display and cached-status indicator techniques of McBrearty.

Moreover, a proposed modification of the prior art that renders it unsatisfactory for its intended purpose is not an obvious modification. See MPEP § 2143.01(V). As such, the modification of Leeds with McBrearty is not an obvious modification. Leeds' techniques provide "enhanced blocking of junk email." See Leeds at col. 2, lines 10-13. In particular, Leeds' techniques involve determining whether an email is a junk email (spam), and either filing or deleting emails deemed to be spam before the intended recipient perceives the spam email. See Leeds at col. 6, lines 25-34; Fig. 6b; col. 8, lines 4-9. Thus, Leeds' techniques prevent the intended recipient from perceiving emails that are deemed to be spam. This is contrary to McBrearty, which displays a user-requested file to the requesting user along with an indication of whether the file is a cached file. In other words, McBrearty displays both locally cached and newly downloaded files to the requesting user. In contrast, Leeds does not display emails deemed to be spam to the intended recipient. Indeed, as noted above, a purpose of Leeds is to block junk email before it can be perceived the intended recipient. Thus, there would have been no motivation to modify Leeds with the teachings of McBrearty.

Because it would not have been obvious to modify Leeds with the teachings of McBrearty, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, and claims 2-18 and 40-46, which depend from claim 1.

Claims 19-39 recite limitations that are similar to those discussed above for the purpose of the rejection raised with respect to claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 19, 20, 25, 29, 33, 34, and 39, along with claims 21-24, 26-28, 30-32, 35-38, and 47-52, which depend from these independent claims.

Furthermore, none of the other references used in making the obviousness rejection describe or suggest "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed

Applicant : William N. Youstra  
Serial No. : 09/867,797  
Filed : May 31, 2001  
Page : 12 of 12

Attorney's Docket No.: 06975-107001 / Security 07

messages," as recited by independent claim 1. Accordingly, the rejections based on those references should also be withdrawn.

No fee is believed due. Please apply any charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: 10/24/06

*Stephanie Deckter*  
Stephanie Deckter, Reg. No. 58,652  
Thomas A. Rozylowicz *FOR*  
Reg. No. 50,620 ←

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331